

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK KING,
Plaintiff,

v.

WARDEN J. QUIGLEY, *et al.*,
Defendants.

CIVIL ACTION NO. 18-CV-5312

ORDER

AND NOW, this 9th day of January, 2019, upon consideration of *pro se* Plaintiff Derrick King's Motions for Leave to Proceed *In Forma Pauperis* (ECF Nos. 4, 6), his Prisoner Trust Fund Account Statements (ECF Nos. 5, 7), and his Complaint (ECF No. 1), it is

ORDERED that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915(b).
2. King, #2016-4945, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by King, he is not assessed an initial partial filing fee. In each month when the amount in King's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official at the Berks County Jail System or at any other prison at which King may be incarcerated shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to King's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-5312.
3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the Berks County Jail System.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum.

6. King is given leave to file an amended complaint within thirty (30) days of the date of this Order in the event he can state a plausible claim against an appropriate defendant or defendants. Any amended complaint shall name all defendants in the caption of the amended complaint and should state how each defendant was responsible for violating King's rights. Any amended complaint must be a complete document that does not rely on King's prior pleadings to state a claim. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED**.

7. The Clerk of Court is **DIRECTED** to send King a blank form complaint to be used by a prisoner filing a civil rights action bearing the civil action number for this case. King may use this form to prepare his amended complaint.

8. If King fails to file an amended complaint, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:



C. DARNELL JONES, II, J.